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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09 597,549 | 06 19 2000 | Juris Sules | ADV B-781 | 4068 |

7590 05 07 2003

Duane Morris
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EXAMINER

RAMSEY, KENNETH J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2879

DATE MAILED: 05 07 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/597,549

Applicant(s)

SULCS ET AL

Examiner

Kenneth J. Ramsey

Art Unit

2879

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1 ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2 ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

- 3 ☐ Applicant's reply has overcome the following rejection(s): _____.
- 4 ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5 ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet
- 6 ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7 ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: noneClaim(s) objected to: 13Claim(s) rejected: 1-6, 8-12 and 14-31Claim(s) withdrawn from consideration: none

- 8 ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
- 9 ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s): _____
- 10 ☐ Other: _____

Kenneth J. Ramsey
Primary Examiner
Art Unit 2879

Art Unit 2879

Applicants request for reconsideration does not place the application in condition for allowance since the argument that Kowalczyk does not teach blow molding the bulb end portions and merely discloses conventional pinch sealing with flattened ends only in the sense that the pinch seal flattens the tube is erroneous. Kowalczyk, column 7, lines 8-19, on the contrary teaches that the blow molding of the tube against the walls of the mold during pinch sealing results in the conformance of the tube to the shape of the mold portions. The result of using a mold to determine the shape of the tube end portions results in smooth connection between the side walls and a flattened cross section at 16a, shown to be circular in figure 4c, but disclosed to be a desirably flat bottom portion. By "flat bottom portion", Kowalczyk is referring to "flats" 35 contrary to the typical cylindrical shape, which does not include flats (column 7, lines 29-33). Thus column 7, lines 33-37, discloses a flat bottom section and merging smoothly with the curved side walls for larger sized tubes contrary to the showing at figure 4c. The applicants arguments that Kowalczyk teaches away from the invention at column 2, lines 42-49 is also not persuasive of error since the blow molding of the tube results in the elimination of crevices such as would be formed by a flattening operation that did not rely on blow molding. One purpose of the flattened portions is to reduce the temperature differences about the wall of the arc lamp, see e.g. the discussion of U.S. patent 5,016,150 at column 2, lines 31-49. See also, column 8, lines 20-27 and 33-36.

Any formal response to this communication should be directed to examiner Kenneth Ramsey, Art Unit 2879, and either
faxed to: 703-872-9319; or mailed to: Box AF
Assistant Commissioner For Patents
Washington, D.C. 20231

Technical inquiries concerning this communication should be directed to Kenneth J. Ramsey, (703) 308-2324 (voice), (703) 746-4832 (fax).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Kenneth J. Ramsey
Primary Examiner
Art Unit 2879

kjr
May 1, 2003